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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,664	04/07/2004	Timothy Phua	1016-039	8017
22898	7590 05/05/2005		EXAM	INER
THE LAW OFFICES OF MIKIO ISHIMARU			DICKEY, THOMAS L	
1110 SUNNYVALE-SARATOGA ROAD SUITE A1 SUNNYVALE, CA 94087			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			KI				
Office Action Summary		Application No.	Applicant(s)				
		10/820,664	PHUA ET AL.				
		Examiner	Art Unit				
		Thomas L. Dickey	2826				
Period f	The MAILING DATE of this communication or Reply	appears on the cover sheet wit	h the correspondence address				
THE - Extended - If th - If No - Fail Any	HORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATION ensions of time may be available under the provisions of 37 CFI or SIX (6) MONTHS from the mailing date of this communication e period for reply specified above is less than thirty (30) days, at 0 period for reply is specified above, the maximum statutory peure to reply within the set or extended period for reply will, by state of the period for reply will be period for reply will, by state of the period for reply will be period for reply wil	N. R 1.136(a). In no event, however, may a relate. In reply within the statutory minimum of thirty riod will apply and will expire SIX (6) MONT that the cause the application to become ABA	ply be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).				
Status							
1)🖂	Responsive to communication(s) filed on <u>0</u>	7 April 2004.					
2a)□							
3)□	•						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposit	tion of Claims						
4)⊠	Claim(s) <u>1-22</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	Claim(s) is/are allowed.						
	Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)⊠	☑ Claim(s) <u>1-22</u> are subject to restriction and/or election requirement.						
Applicat	tion Papers						
9)[The specification is objected to by the Exam	niner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
	Applicant may not request that any objection to	the drawing(s) be held in abeyand	e. See 37 CFR 1.85(a).				
_	Replacement drawing sheet(s) including the cor	,					
11)[_]	The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO-152.				
Priority	under 35 U.S.C. § 119						
	Acknowledgment is made of a claim for fore All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum	ents have been received. ents have been received in Ap	plication No				
	3. Copies of the certified copies of the p	priority documents have been r	eceived in this National Stage				
	application from the International Bur						
# (See the attached detailed Office action for a	list of the certified copies not re	eceived.				
Δ#00h	19(a)						
Attachmen	nt(s) ce of References Cited (PTO-892)	4) 🔲 Interview Su	mmary (PTO-413)				
2) 🔲 Notic	ce of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)	Mail Date				
	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/ er No(s)/Mail Date	/08) 5)	ormal Patent Application (PTO-152) -				

Application/Control Number: 10/820,664

Art Unit: 2826

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, drawn to a method, classified in class 438, subclass 197+.
 - II. Claims 15-22, drawn to a device, classified in class 257, subclass 408.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the Group II product invention would not necessarily imply unpatentability of the Group I process invention, because the product of the Group II invention could be made by a materially different process from that of the Group I invention. For example, the product of claim 15 or 19 could be made by a process which forms a gate dielectric having a first width precisely as needed without a step for removing gate dielectric material, a process materially different from the process of claims 1 or 8.

Art Unit: 2826

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas L Dickey whose telephone number is 571-272-1913. The examiner can normally be reached on Monday-Thursday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 703-308-6601. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 2826

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas L. Dickey Patent Examiner Art Unit 2826 12/04